

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Francisco Javier VILLEGAS-GARCIA

Case No. 2:23-mj-50

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/28/2023 in the county of Franklin in the Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

21 USC Section 841

Possesssion with Intent to Distibute 499 grams or more of Fentanyl

This criminal complaint is based on these facts:

See attached affidavit, which is incorporated by reference.

☒ Continued on the attached sheet.



Complainant's signature

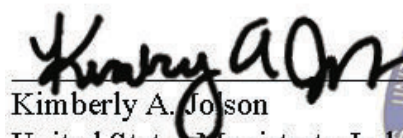
Alexa Montesano, SA

Printed name and title

Sworn to before me and signed in my presence.

Date: January 30, 2023

City and state: Columbus, Ohio


Kimberly A. Tolson

United States Magistrate Judge



AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Alexa Montesano, (hereafter referred to as affiant) being duly sworn depose and state:

INTRODUCTION

I am a Special Agent of the Drug Enforcement Administration (DEA) assigned to the Detroit Field Division, Columbus District Office. As such, I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in Title 18 U.S.C. § 2516. Your affiant has been employed by the DEA since March, 2021. Your affiant is empowered to investigate, to make arrests with or without warrants and to execute search warrants under the authority of Title 21 U.S.C. § 878.

Prior to being employed by the DEA your affiant was employed by the Ohio Investigative Unit from August, 2019 until March, 2021. During this time, your affiant has accumulated the following training and experience:

- (a) I graduated from the DEA Academy located at the FBI Academy, Quantico, Virginia. I received approximately 16 weeks of specialized narcotics related training. The training included controlled substances identification, narcotics related investigative techniques, interview and interrogation training, preparation of search warrants, tactical application of narcotics enforcement, surveillance and electronic monitoring techniques and money laundering investigations.
- (b) During the course of my law enforcement career I have had experience in debriefing defendants; interviewing participating witnesses, cooperating individuals and other persons who have personal knowledge and experience regarding the amassing, spending, conversion, transportation, distribution, and concealment of records and proceeds of trafficking in controlled substances.
- (c) As a DEA agent and Ohio Investigative Unit agent, I have participated in the execution of numerous search warrants at businesses of narcotics traffickers and have participated in numerous arrests for drug related offenses. I have drafted numerous search warrants.
- (e) During the course of my law enforcement career, I have completed the following training; Ohio State Highway Patrol Training Academy (January 2020), Interview and Interrogation (2020).

The information set forth in this affidavit comes from your affiant’s personal involvement in this investigation, as well as information provided to your affiant by other law enforcement officers. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this investigation.

PROBABLE CAUSE

1. Since September, 2022, investigators from the Columbus District Office and Charlotte District Office established an investigation into the Francisco Javier VILLEGAS-GARCIA (hereinafter referred to as “VILLEGAS-GARCIA”) Drug Trafficking Organization (hereinafter referred to as “DTO”). During the course of the investigation, investigators revealed VILLEGAS-GARCIA, who is a citizen of Mexico, as a facilitator, possessor, and distributor of large amounts of fentanyl and cocaine in the Columbus, Ohio and Charlotte, North Carolina areas. Investigators interviewed a cooperating defendant (hereinafter referred to as “CD”), regarding the VILLEGAS-GARCIA DTO, which confirmed VILLEGAS-GARCIA to be a fentanyl and cocaine distributor. The CD’s information has been corroborated by your affiant, and/or other investigators assigned to this case. This corroboration was achieved through various other sources.

2. On or about January 28, 2023, investigators from the Columbus District Office (hereinafter referred to as “Columbus DO”) received information, through law enforcement techniques, from the Charlotte District Office (hereinafter referred to as “Charlotte DO”) that VILLEGAS-GARCIA was currently in possession of a large amount of narcotics and was set to move the narcotics from his residence at 3773 Willowswitch Lane, Columbus, Ohio, to a different location.

3. On the same date, investigators from the Columbus District Office established surveillance at 3773 Willowswitch Lane. Upon arrival, investigators observed VILLEGAS-GARCIA’s 2017 Toyota Tundra, bearing North Carolina registration NZ-3010, parked in the driveway of the residence. At approximately 4:13 p.m., investigators observed a Hispanic male, who investigators later identified as VILLEGAS-GARCIA, walking around the neighborhood of 3773 Willowswitch Lane looking into vehicles; Investigators know this to be a technique common with attempting to identify law enforcement in the area. Subsequently, VILLEGAS-GARCIA entered into 3773 Willowswitch Lane, via front door, after utilizing a key to unlock the front door. Subsequently, VILLEGAS-GARCIA exited the front door of 3773 Willowswitch Lane, entering into the Toyota Tundra, and departing the area. Surveillance was maintained on the Toyota Tundra and VILLEGAS-GARCIA.

4. At approximately 4:30 p.m., the Toyota Tundra arrived at Los Guachos Taqueria at 1121 South Hamilton Road, Columbus, Ohio. Officers with the Columbus Police Department detained VILLEGAS-GARCIA inside of the restaurant. VILLEGAS-GARCIA was read his Miranda Rights in Spanish and advised investigators that he was currently in possession of cocaine on his person. Officers from the Columbus Police Department also recovered approximately \$8,000 on VILLEGAS-GARCIA’s person. VILLEGAS-GARCIA remained detained.

5. On the same date, investigators applied for and obtained a federal search warrant for 3773 Willowswitch Lane in Columbus, Ohio by Southern District of Ohio United States Magistrate Judge Kimberly A. Jolson.

6. At approximately 9:35 p.m., Columbus Police Department’s INTAC unit executed the federal search warrant and made entry in 3773 Willowswitch Lane. During the search of the

residence, investigators located and seized approximately \$130,000 in United States Currency and approximately 8.4 kilograms of Fentanyl. While processing the kilograms as evidence, investigators conducted multiple Mobile Detect field Test's which all resulted in a positive detection for Fentanyl.

7. Based upon my training, experience and my review of the evidence gathered by agents and other investigators assigned to this investigation, there is probable cause to believe Francisco Javier VILLEGAS-GARCIA has violated 21 U.S.C 841, Possession with Intent to Distribute 499 grams or more of Fentanyl. This affidavit is in support of a request for the issuance of a Federal complaint and Arrest Warrant for VILLEGAS-GARCIA.



Alexa Montesano
Special Agent
Drug Enforcement Administration

January 30, 2023

Subscribed and sworn before me this _____ day of January, 2023.


Kimberly A. Johnson
United States Magistrate Judge